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April 10, 2025

VIA CM/ECF

United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 830
Central Islip, New York 11722

Re: All Island Counter Tops & Millwork Inc. et al v. Serpas et al, No. 25 Civ. 0744 (LGD)

To Whom It May Concern,

We represent Defendants Robert Alvarado, Jason Cassar, Jesus Guardado, Carlos Franca, Tania Serpas, Rommel Gutierrez, and Nicole Huebner (collectively “Individual Defendants”) in the above referenced matter. We write with counsel for Defendant Rota Stone Inc. to jointly request the assignment of a District Court Judge in this matter.

On February 19, 2025, counsel for all Defendants signed Plaintiffs’ waiver of service, which made April 21, 2025 the date for Defendants to serve an answer or motion in response to the Complaint. The Complaint is 29 pages and has thirteen causes of actions. The Individual Defendants intend on filing a motion to dismiss for each cause of action and Defendant Rota Stone Inc. will be joining the Individual Defendants’ motion. Pursuant to Magistrate Judge Lee G. Dunst’s Individual Rules of Practice Section (VI)(B), dispositive motions such as a motion to dismiss must be made to the presiding District Judge, *unless* the Parties have consented to the Magistrate Judge. The Parties did not consent to a Magistrate Judge for this matter.

With the deadline for the motion to dismiss approaching, Defendants would like to know who the District Judge in this case will be in order to abide by their individual rules before submitting Defendants’ motion to dismiss.

We thank the Court for its time and attention to this issue.

Respectfully Submitted,

/s/ Brian S. Schaffer
Brian S. Schaffer

*Counsel for Defendants Robert
Alvarado, Jason Cassar, Jesus*

Fitapelli & Schaffer, LLP

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*Guardado, Carlos Franca, Tania
Serpas, Rommel Gutierrez, and
Nicole Huebner*

CC: Plaintiffs' Counsel and
Defendant Rota Stone Inc.
(via ECF)